

REMARKS/ARGUMENTS

Claims 1-5 are present in this application.

Claim 2 was rejected under 35 U.S.C. §112, second paragraph. The Office Action contends that “the different faces referenced in the claim are directed to the same faces” and “it is unclear how the same faces can constitute the different surfaces as claimed.” Applicants respectfully submit that the language and scope of claim 2 would be apparent to those of ordinary skill in the art and that the claim satisfies the requirements of 35 U.S.C. §112.

For purposes of comparison, claim 1 defines a step of cutting the preformed product . . . to obtain strip-form preformed product pieces. These pieces are aligned into a plate shape having a front side and a back side constituted by the cut faces of the product pieces. As such, according to claim 1, all of the cut product pieces are oriented with the cut faces in upper and lower planes (i.e., front side and back side) of the plate shape. That is, after cutting the preformed product into the strip-form preformed product pieces, each of the pieces is turned 90° and aligned into the plate shape. Claim 2, in contrast, defines an embodiment wherein some of the cut pieces are turned 90° and some of the cut pieces maintain their original orientation. As such, the front side and back side of the plate shape are constituted by cut faces and partially by the front and back faces of the strip-form preformed product pieces. This embodiment is described in the specification at, for example, page 10, line 23 - page 11, line 10.

Applicants submit that those of ordinary skill in the art would readily understand this arrangement of components as defined in claim 2. Withdrawal of the rejection is thus respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,819,413 to Nippe et al. This rejection is respectfully traversed.

With regard to claim 1, Applicants respectfully submit that the Nippe patent lacks at least the claimed step of press-forming the aligned strip-form preformed product pieces In this context, the Office Action references column 7, lines 59-67 in the Nippe patent. As discussed previously, this section in the Nippe patent describes that fiber frameworks 42, 43 are arranged on both sides of a contact layer 41 and are covered by respective armor coatings 44, 45. This “covering” does not remotely disclose the “press-forming” step of the invention. Indeed, no such press-forming is necessary or desirable in a metal electrode.

Although arguments in this regard were provided in the Amendment filed January 3, 2007, which are hereby incorporated by reference, the Examiner does not address this argument in the Office Action. It seems the Examiner may be mixing the “press-molding” step and the “pres-forming” step. In the “Response to Arguments” section on page 4 of the Office Action, the Examiner merely references Applicants’ argument with regard to “press-molding.” Without conceding the Examiner’s response in this regard, Nippe additionally lacks the press-forming step as discussed above. Since anticipation requires that each and every limitation of the rejected claim be disclosed in a single prior art reference, and since the Nippe patent lacks at least the claimed press-forming step, Applicants respectfully submit that the rejection of claim 1 is misplaced.

Claim 2 similarly defines a step of press-forming the aligned strip-form preformed product pieces . . . , and as a consequence, Applicants submit that claim 2 is allowable for reasons similar to those discussed above with regard to claim 1. In addition, claim 2 defines a step of aligning the strip-form preformed product pieces into a plate shape having a front side and a back side each constituted by the cut face and partially by the front and back faces of the strip-form preformed product pieces. This subject matter is discussed above in addressing the

rejection under 35 U.S.C. §112. In this context, the Examiner does not reference a teaching in the Nippe patent that meets this subject matter. In view of the discussion above that should clarify the Examiner's understanding of this aspect of the invention, as would be apparent to those of ordinary skill in the art, Applicants respectfully submit that claim 2 is distinguishable from the Nippe patent.

With regard to dependent claims 3-5, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /Alan M. Kagen/
Alan M. Kagen
Reg. No. 36,178

AMK:jls
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100